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Unlawful Importation of a Controlled Substance

~~United States~~ Magistrate Judge

FAS

1 United States of America
2 VS.
3 Eustaquio RUIZ-Maclish

4 STATEMENT OF FACTS

5 On June 25, 2008, at approximately 8:54 am, Eustaquio RUIZ-Maclish entered the
6 United States from Mexico through the Otay Mesa Commercial Port of Entry (POE) in a 1997
7 Freightliner tractor bearing California license plate 9E14717 and a 1977 "Berl" trailer bearing
8 Tennessee license plate T714656.
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10 Customs and Border Protection (CBP) Officer Stuart Sablan was assigned to primary lane
11 #5 when he came in contact with RUIZ, who was attempting entry with a trailer of steel scrap.
12 RUIZ made a negative Customs declaration. Officer Sablan conducted a visual examination of
13 the tractor's gas tanks and discovered smudge marks on both gas tanks. Officer Sablan tapped
14 both gas tanks and both tapped solid. Officer Sablan requested the assistance of CBP Officer
15 Antonio Tabucbuc.
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17 During post-primary blocks, Officer Tabucbuc inspected the tractor as requested by
18 Officer Sablan. Officer Tabucbuc tapped a gas tank and it tapped solid. Officer Tabucbuc
19 noticed that the banding/gas tank strap had been replaced and that the bolts were tampered with.
20 RUIZ and the tractor/trailer were then referred to secondary for further inspection.
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22 In the secondary inspection dock, Officer Tabucbuc probed the driver side gas tank and
23 discovered a false wall. Officer Tabucbuc notified the Cargo Analytical Research Investigative
24 Team (CARIT) of the findings.

25 CBP Canine Enforcement Officer (CEO) Charles Petrach was requested to screen the
26 tractor using his Narcotics Detector Dog (NDD). The NDD alerted to the odor of narcotics
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1 coming from both gas tanks. CBP Officer Bruce Barton then x-rayed the tractor-trailer. Officer
2 Barton noticed separation lines, indicating anomalies, in the fuel tank from the x-ray image.

3 Upon further inspection of the tractor-trailer, CBP Officer Hector Herrera discovered
4 three (3) wrapped packages in each gas tank, totaling six (6) packages. Officer Herrera probed
5 one random package of a green leafy substance, which field-tested positive for marijuana. The
6 total weight of the marijuana seized was 157.74 kilograms (347.02 pounds).
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8 Post Miranda, RUIZ stated he was being paid \$2,000 USD to smuggle marijuana in the
9 tractor's gas tanks. RUIZ stated he was to pick up someone in the U.S. to determine the final
10 destination of the marijuana.

11 RUIZ was arrested for violating Title 21, United States Code, Sections 952 and 960,
12 Unlawful Importation of a Controlled Substance. RUIZ was booked into the Metropolitan
13 Correctional Center, San Diego, CA on the above charges.
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